

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

Gastineau *et al.*

Appl. No. 09/536,258

Filed: March 27, 2000

For: Hedging Exchange Traded Mutual Funds  
or Other Portfolio Basket Products

Art Unit: 3628

Examiner: Charles

Atty. Docket: 00322.0007.NPUS00

**Reply and Amendment Under 37 C.F.R. § 1.111**

*Mail Stop Amendment*  
Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated June 29, 2004, (PTO Prosecution File Wrapper Paper No. 14), Applicants submit the following Amendments and Remarks.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 08-3038 referencing docket number 00322.0007.NPUS00.



1299 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, DC 20004-2402  
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### FACSIMILE COVER SHEET

**DATE:** September 24, 2004

**TO:** NAME: Examiner Debra Charles

COMPANY: U.S. Patent and Trademark Office, Art Unit 3628

FAX NUMBER 703-872-9306 PHONE NUMBER: 703-305-4718

CITY: Alexandria, VA

**FROM:** NAME: Michael J. Stimson

DIRECT DIAL NUMBER: 202-383-6906 USER ID: 2382

NUMBER OF PAGES, INCLUDING COVER: 20 CHARGE NUMBER: 00322.0007.NPUS00

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ORIGINAL WILL NOT FOLLOW

**SUPPLEMENTAL MESSAGE:**

Re: Application No. 09/536,258

Examiner Charles:

Enclosed please find a response to the Office Action of June 29, 2004. We will also file a confirmation copy by courier.

Regards,

Michael J. Stimson  
Reg. No. 45,429

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

If there are any questions or problems with the transmission of this facsimile, please call 202.383.7187.

Atty. Ref.: 00322.0007.NPUS00  
Date: September 24, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Gary L. GASTINEAU <i>et al.</i>	Art Unit	3628
Serial No.:	09/536,258	Examiner:	Charles
Filing Date:	March 27, 2000		
Title:	Hedging Exchange Traded Mutual Funds or Other Portfolio Basket Products		

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. 1450  
Alexandria, VA 22313-1450

Sir:

Please place the U.S. Patent & Trademark Office receipt stamp hereon to acknowledge receipt of the following:

1. Letter to the Commissioner for Patents (in duplicate); and
2. Reply and Amendment Under 37 C.F.R. § 1.111.

Return file to: Annette Pray



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September 24, 2004

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 09/536,258  
Filed: March 27, 2000  
For: Hedging Exchange Traded Mutual Funds or  
Other Portfolio Basket Products  
Inventor: G. Gastineau *et al.*  
Our Ref: 00322.0007.NPUS00

Sir:

The following documents are forwarded for appropriate action by the U.S. Patent and Trademark Office:

1. Reply and Amendment Under 37 C.F.R. § 1.111; and
2. Return Receipt Postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee, or credit any overpayment, to our Deposit Account No. 08-3038. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 08-3038, referencing the above docket number. *A duplicate copy of this letter is enclosed.*

Respectfully submitted,

  
Michael J. Bell (Reg. No. 39,604)  
Michael J. Stimson (Reg. No. 45,429)

Enclosures